

Report on the

**Board of Licensure
for
Professional Geologists**

Montgomery, Alabama



**Department of
Examiners of Public Accounts**

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June 18, 2008

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Mr. Sanderford:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Board of Licensure for Professional Geologists in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Licensure for Professional Geologists, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

Examiner

Robin Hutcheson

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PROFILE

Purpose/Authority

The Board of Licensure for Professional Geologists was created to regulate the professional practice of geology in Alabama. The board was created by Act 95-399, effective July 25, 1995, codified at the *Code of Alabama 1975*, Sections 34-41-1 through 34-41-24.

Characteristics

Members and Selection	<p>7 - Appointed by the governor from a list of nominees submitted by the board, or any entity designated by the board. <i>Code of Alabama 1975</i>, Section 34-41-4 (b)</p> <p>Membership of the board must include at least one representative from each of the following:</p> <ul style="list-style-type: none">• Faculty of departments of geology at Alabama colleges and universities that grant degrees in the geological sciences.• Governmental agencies employing geologists.• Businesses, exclusive of those exempted in the <i>Code of Alabama 1975</i>, Section 34-41-7.• Mining industry.• Petroleum industry.• Geotechnical and/or environmental engineering firms.• Independent geological consultants. <p><i>Code of Alabama 1975</i>, Section 34-41-4 (d)</p>
Term	<p>Three years.</p> <p>No member shall serve more than two consecutive three-year terms, without interruption in service of at least three years. <i>Code of Alabama 1975</i>, Section 34-41-4 (e)</p>
Qualifications	<p>Licensed geologist, Citizen of the United States, Resident of Alabama at least 5 years immediately preceding appointment, Reside in Alabama during term of office, At least 25 years of age. <i>Code of Alabama 1975</i>, Section 34-41-4 (c)</p>

Racial Representation	No statutory requirement. No minority race board members.(two minority race licensees)
Geographical Representation	No statutory requirement.
Consumer Representation	No statutory requirement.
Other Representation	Whenever possible the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i> , Section 34-41-4 (b)
Compensation	\$100/day plus mileage payable at the same rate as paid for state officers and employees for each day of actual attendance at a regular or special meeting of the board. <i>Code of Alabama 1975</i> , Section 34-41-4 (h)
<u>Operations</u>	
Administrator	Keith Warren, Executive Secretary Executive secretary and administrative services provided under contract with Warren and Co. Annual contract amount - \$24,000
Location	610 South McDonough St. Montgomery, AL 36104
Examinations	Twice annually - prepared and graded by the National Association of State boards of Geology (ASBOG). Warren & Co. administers the Exam. The exam is given on the same day everywhere in the United States. Examinations are administered in Montgomery, usually in March and October. <i>Code of Alabama 1975</i> , § 34-41-11

	<p align="center"><u>PASS/FAIL STATISTICS FOR LAST 3 YEARS</u> <u>(2 part test)</u></p> <table><tr><th>TEST</th><th>YEAR</th><th>NUMBER OF EXAMS GIVEN</th><th>PASSED</th><th>FAILED</th></tr><tr><td rowspan="3">Fundamentals of Geology</td><td>FY 05</td><td>30</td><td>13</td><td>17</td></tr><tr><td>FY 06</td><td>22</td><td>9</td><td>13</td></tr><tr><td>FY 07</td><td>33</td><td>9</td><td>24</td></tr><tr><td rowspan="3">Practice of Geology</td><td>FY 05</td><td>13</td><td>9</td><td>4</td></tr><tr><td>FY 06</td><td>8</td><td>6</td><td>2</td></tr><tr><td>FY 07</td><td>15</td><td>9</td><td>6</td></tr></table> <p>Test segments may be taken separately.</p> <p>If an applicant fails to pass a segment, the failed segment may be taken again without retaking a passed segment.</p>					TEST	YEAR	NUMBER OF EXAMS GIVEN	PASSED	FAILED	Fundamentals of Geology	FY 05	30	13	17	FY 06	22	9	13	FY 07	33	9	24	Practice of Geology	FY 05	13	9	4	FY 06	8	6	2	FY 07	15	9	6
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Renewals	Licenses expire 2 years from the date of issuance. <i>Code of Alabama 1975</i> , Section 34-41-12(b)																																			
Licensees	Professional Geologists (Active) - 518 Geologists-in-training (Active) - <u>5</u> Total – 523																																			
Reciprocity	<p>Yes, under the following conditions:</p> <ul style="list-style-type: none">• Licensed as a professional geologist or the equivalent in any other state, territory, or possession of the United States, or the District of Columbia, and• The license is current and,• In the opinion of the board, the license was issued in compliance with licensing requirements that are substantially the same as, or more stringent than Alabama’s requirements. <p><i>Code of Alabama 1975</i>, Section 34-41-5(h).</p> <p>The board does not have an existing reciprocity/comity agreement with any other state.</p>																																			

Continuing Education	<p>Minimum of thirty (30) Professional Development Hours (PDH) per biennial period.</p> <p>Carryover of excess hours is permitted. The number of PDH which may be carried forward into the next biennial period cannot exceed fifteen (15).</p> <p><i>Code of Alabama 1975, § 43-41-12(c)</i> <i>Administrative Rule 330-X-13-.02(4) (a).</i></p> <p>A PDH is a contact (clock) hour consisting of not less than fifty (50) minutes of instruction or presentation. <i>Administrative Rule 330-X-13-.02 (3)(a)</i></p>
Employees	<p>There are no direct employees. The board contracts with the private management firm of Warren & Company to administer the board's business on a day to day basis. Warren & Company provides the board with one full time staff member and other clerical assistance as needed.</p>
Legal Counsel	<p>Deputy Attorney General– Mary Windom by agreement with the Alabama Board of Electrical Contractors, also administered by Warren & Co.</p>
Subpoena Power	<p>Yes, persons and records. <i>Code of Alabama 1975, Section 34-41-5(l).</i></p>
Internet Presence	<p>http://www.algeobd.alabama.gov/ - contains:</p> <ul style="list-style-type: none"> • Contact information • Licensing Act • Rules and regulations • Downloadable application forms • Fee Listing • Continuing Education Guidelines • Task Force Resolution • Alabama Geologist Newsletter • Approved Courses • Consumer Complaint Form • Approved board Meeting Minutes • Continuing Education Opportunities and Information • CEU Sources

Attended board Member Training	Keith Warren – Executive Director Hope Pauline – Administrative Assistant Robert Carr – Board Member Dorothy Malaier – Board Member Mary Windom – Legal Counsel
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Financial

Source of Funds	Licensing and Regulatory Fees
State Treasury	Yes <i>Code of Alabama 1975</i> , Section 34-41-6
Unused Funds	Retained by the board. <i>Code of Alabama 1975</i> , Section 34-41-6

SIGNIFICANT ITEMS

1. Three of five board members responding to a questionnaire stated that the most significant issue facing the board is the low number of licensed geologists in Alabama. Two of the respondents noted that in recent years the number of licensees has decreased and has only recently stabilized. The board reported 518 licensed professional geologists. Respondents indicated that the number of exemptions in the law may be the cause of the low number of licensees.

The *Code of Alabama 1975*, Section 34-41-7 provides the following exemptions:

- (a) Except as provided in this section, any person who publicly practices, or offers or attempts to publicly practice, geology in the State of Alabama is subject to this chapter.
- (b) The following persons are exempt from licensing under this chapter:
 - (1) Persons engaged solely in teaching of geology or related physical or natural sciences, and persons engaged solely in geologic research conducted through academic institutions, agencies, or government and nonprofit research organizations.
 - (2) Officers and employees of the United States of America and the State of Alabama practicing solely as officers and employees.
 - (3) Officers and employees of businesses and industries practicing solely as officers and employees, and individuals if they do not offer their professional services to the public for hire and are not engaged in activities that require the signature of a licensed professional geologist.
 - (4) Officers and employees of companies and corporations practicing solely as such officers and employees who work as a sole proprietorship in mining and mineral exploration and development and who do not offer their professional services to the

public for hire or who are not engaged in activities that require the signature of a licensed professional geologist.

(5) Officers and employees of companies and corporations and individuals who work as a sole proprietorship in oil and/or gas exploration and development.

(6) A person who is subordinate to a licensed professional geologist or who is a geologist-in-training licensed under this chapter but only insofar as he or she acts solely in that capacity. This exemption does not permit the subordinate to practice geology or use the term "licensed professional geologist."

2. **The board did not promptly post notice of its upcoming meetings as required by the state's Open Meetings Act.** State law in the *Code of Alabama 1975*, Section 36-25A-3(b) requires to board to post notice of its meetings, "as soon as practicable [reasonably capable of being accomplished] after the meeting is called and in no event less than 24 hours before the meeting is scheduled to begin..." The next meeting of the board is routinely announced at the close of the current meeting. The number of days between the announcement of the next meeting date and the posting of the next meeting on the Secretary of State's Internet website maintained for that purpose ranged from 20 days to 110 days, with an average of 58 days.
3. **The board has not set by administrative rule two fees required by statute.** The board's enabling statutes require the board to set a fee for a copy of a roster of licensed geologists and a fee for the replacement of any license lost, destroyed, or mutilated. The exact amount is not stated in the law. Since the exact amount is not stated in the law, the board becomes responsible for setting the fee amounts. Setting the fee amounts creates board policy that meets the definition of an administrative rule, which is required to be adopted and executed by the board in accordance with procedures provided in the state's Administrative Procedure Act in order to be valid and enforceable.

Regarding the roster of licensed geologists, the *Code of Alabama 1975*, § 34-41-16 states, "Copies of this roster shall be made available to the public upon request and payment of a reasonable fee." The executive assistant stated that the charge for producing a paper copy of the roster would be \$0.25 per page, but that policy has not been adopted as an administrative rule. As a matter of routine, persons asking for a copy of the roster are referred to the board's Internet website, where information on licensed geologists is presented.

Regarding replacement licenses, the *Code of Alabama 1975*, § 34-41-12(d) states, "A new license to replace any license lost, destroyed, or mutilated may be issued subject to the rules of the board and payment of a fee established by the board."

4. **The State Ethics Commission could not locate a statement of economic interests for two board members, which is required by law to be filed annually.** During the examination the examiner contacted the Ethics Commission in order to determine whether all board members had filed the required statements of economic interest. The staff at the replied that a statement could not be located for two board

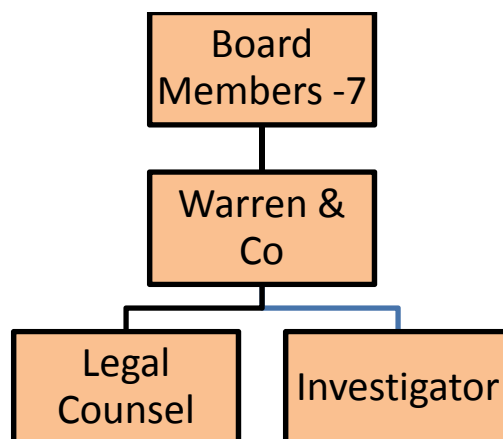
members.

The *Code of Alabama 1975*, section 36-25-14 (a) states, “A statement of economic interests shall be completed and filed in accordance with this chapter with the commission no later than April 30 of each year covering the period of the preceding calendar year by each of the following:” “(4) Members of the Alabama Ethics Commission; **appointed members of boards and commissions having statewide jurisdiction** (but excluding members of solely advisory boards).”

5. Performance data provided by the board to the Department of Finance on the board’s SMART performance report could not be substantiated. In the performance report, the reported cost for the objective of, “Maintain unit cost of licensing and file maintenance “for the 2007 fiscal year could not be verified from the board’s records. Also, the board’s performance report states that four newsletters were published in 2007; although, only two newsletters were published.

The Director of Finance implemented a system of budgeting that requires each agency to report its performance, the system to be named SMART, an acronym for Specific, Measurable, Accountable, Responsive, and Transparent. As a part of the SMART system, each agency is required to submit its goals and objectives to the Department of Finance - the goals to be stated as long-term, multi-year targets, which are to be achieved through accomplishment of stated objectives, which are single-year targets. In order to report progress, the goals and objectives must be designed so that the agency can measure annual progress toward their achievement. The SMART Budgeting system includes a Quarterly Performance Report, which presents information to the public on achievement of an agency’s annual objectives during each fiscal year. The report is required to include quality and efficiency objectives and to report the board’s performance on the objectives during the year.

ORGANIZATION



PERSONNEL

There are no direct employees. The board has contracted with Warren and Company, Inc. to provide administrative services and an executive director. The company maintains the board's records and performs administrative services for the board from its location at 610 South McDonough St. Montgomery, AL. The current contract with Warren and Company, Inc. is for \$24,000 annually to be paid in monthly installments of \$2,000 per month. The contract expires November 25, 2008.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – N/A No direct employees – administrative duties are performed by Warren and Company, Inc.

Number of Persons per Licensee in Alabama and Surrounding States
(as of February 12, 2008)

	<u>Population (Estimate) #</u>	<u>Number of Licensed PG's</u>	<u>Number of Licensed ¹GIT's</u>	<u>Persons Per Licensed PG</u>	<u>Persons Per Licensed GIT</u>
Alabama	4,627,851	518	5	8,934	925,570
Florida	18,251,243	1977	0	9,232	N/A
Georgia	9,544,750	1228	0	7,773	N/A
Mississippi	2,918,785	592	22	4,930	132,672
Tennessee	6,156,719	N/A*	N/A*	N/A*	N/A*

¹ GIT = Geologist-in-training

*Tennessee – Licensing act effective 2007.

#Population estimates from U.S. Census at <http://factfinder.census.gov>

Operating Disbursements per Licensee FY 2007 \$84.24

Notification to Licensees of Board Decisions to Amend Administrative Rules

The board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes.

Complaints

The *Code of Alabama 1975*, Section 34-41-5(k) provides that, “The board may investigate all reasonably documented complaints of violations of this chapter and of unprofessional conduct by licensed and nonlicensed geologists.” In addition, the *Code of*

Alabama 1975, Section 34-41-17 provides that, “Any person may file written charges against any licensed professional geologist pursuant to rules and regulations adopted by the board. Charges or allegations shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the secretary-treasurer of the board. The board shall investigate all valid complaints.

The board has adopted administrative rules governing the filing and processing of complaints and charges.

The board maintains a spreadsheet to aid in collecting information pertinent during the complaint process. Data collected on the spreadsheet includes:

- The complaint case number assigned,
- Date the complaint was received,
- Name of the respondent,
- Date mailed to board investigator and
- Results.

The only recorded complaint received by the board during the last four years was a complaint that could not be substantiated due to exemption language in the statute.

<p>Initial Process Steps (Administrative Rule 364-X-16-.01)</p>	<ol style="list-style-type: none"> 1. Charges or allegations must be in writing and sworn to by the person or persons making them and shall be filed with the secretary-treasurer of the board. 2. Any person, business, or other entity, including a member of the board, may file with the Secretary of the board a complaint or charge of any misconduct or other circumstance listed under <i>Code of Alabama 1975</i>, section 34-41-19 3. Complaints are referred to a standing investigative committee of the board consisting of a board member, the board's investigator, the executive secretary, and the board's attorney. 4. The investigative committee submits a report to the board as to the validity or merit of the complaint or charge. After consideration of any complaint or charge by the investigative committee, the board may give notice of an administrative hearing under the Alabama Administrative Procedure Act, or may take other action as provided by regulation or statute. 5. All complaints or charges received by the board are to be held in confidential status until the investigative committee reviews the allegations and recommends further action.
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<p>Private Reprimand (Administrative Rule 364-X-16-.02)</p>	<ol style="list-style-type: none"> 1. If probable cause for the complaint or charge is found, but it is determined that license revocation or suspension would not be warranted even if the complaint or charge was proven, the accused party shall be informed of the nature of the complaint or charge, and that the complaint or charge, if admitted, may result in a private reprimand, and will be asked to respond to the complaint or charge. 2. If the accused party admits to the complaint or charge, then a private reprimand will be issued if appropriate. 3. If the accused party denies the complaint or charge, then the accused party will be given an opportunity to appear before the board for an informal hearing at which the evidence supporting the complaint or charge will be considered.
<p>Informal Hearing (Administrative Rules 364-X-16-.03 & 364-X-16-.04)</p>	<ol style="list-style-type: none"> 1. If no probable cause is found, the board shall dismiss the charges as unfounded or trivial and prepare a statement, in writing, of the reasons for the decision. The statement shall be mailed to the accused party and the complaining party by registered or certified mail. 2. If no probable cause is found, but it is determined by the board that the conduct of the accused party is not in accord with accepted professional practice or may be subject to disciplinary action if continued or repeated, the board may issue a Letter of Caution to the accused party stating that the conduct, while not the basis for a disciplinary hearing, is not professionally acceptable or may if repeated be the basis for a letter of reprimand or a disciplinary hearing from which suspension or revocation of license could result. A record of such Letter of Caution shall be maintained in the office of the board but shall not be made public.
<p>Formal Hearing (Administrative Rule 364-X-16-.05)</p>	<ol style="list-style-type: none"> 1. If the board finds probable cause exists and that the nature of the alleged violation could result in license suspension or revocation, the accused party shall be notified of the right to a hearing before any disciplinary action is taken. 2. The notification shall be by certified mail, and shall include a factual statement of the alleged violation, a statement as to the possible action that could result from a determination by the board, a statement as to the legal authority and jurisdiction under which the hearing would be held. 3. The accused party may assert his/her right to a hearing by mailing a request for a hearing to the board by certified mail within 30 days of receipt of the notice, and the

	<p>notification shall inform him or her of the timeframe and method for making this request.</p> <p>4. If an accused party fails to request a hearing in the manner provided here, the board shall proceed to consider the alleged violation and appropriate disciplinary action, if any, based upon the information in its possession.</p> <p>5. If the alleged violation is by a person or entity which does not hold a license, the board may refer the case to the appropriate prosecutor for criminal prosecution or seek an injunction in a court of appropriate jurisdiction under Code of Ala. 1975, Section 34-41-23, or other applicable provision of law.</p>
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SMART BUDGETING

As a part of our examination, we reviewed the board's performance goals and objectives, as presented in the board's SMART reports. Our review was conducted to test for the following standards:

- Goals are long-term targets.
- Each goal presented in the Operations Plan must be accompanied by one or more directly related objectives designed to show progress toward achieving the goal.
- Objectives are annual numerical target levels of performance. The target should be stated.
- The degree of achievement of the objectives should be reported as numerical data in the Performance Reports.
- Data reported anywhere in the SMART documents can be reproduced at any time from records on hand. The records should be available for audit.
- The methods for producing the data presented in the SMART documents should be recorded in writing so as to allow staff to complete the SMART documents over time in a consistent manner. The records of methods used should be available for audit.

We have reviewed the board's SMART reports for the 2007 and 2008 fiscal years for compliance with these standards and present the following observations.

2007 GOALS	COMMENTS
1 To revise the continuing education requirements to assist licensees in maintaining licensure (GP-1)	The goal is a statement of work to be done and does not address how well the agency is carrying out its work. There is no long-term measurable target. Also, since there is no directly related objective, progress toward achieving this goal does not appear on the board's performance report

2. To work with associations and entities to assist in public awareness. (GP-1)	The goal is a statement of work to be done and does not address the agency's performance in carrying out the work. There is no long-term measurable target. Also, since there is no directly related objective, progress toward this goal will not appear on the board's performance report
3. To increase the number of licensees performing geologic work in the State. (GP-1)	There is no long-term measurable target. Also, since there is no directly related objective, progress toward achieving this goal does not appear on the board's performance report.

2007 OBJECTIVES	PERFORMANCE INDICATOR	REPORTED PERFORMANCE	PROJECTED	COMMENTS
1. Maintain unit cost of licensing and file maintenance.	0	43,039	75,000	<p>Reported data does not appear to be unit cost data. Records were not available from which to verify the reported performance data.</p> <p>Units subject to unit costs are not defined. There is no baseline number stated from which to determine whether the unit cost of licensing and file maintenance was maintained. Consequently, the data on the performance report does not show whether progress occurred. No performance indicator was provided.</p>
2. To conduct business as professional and ethical as possible	0	43,039	75,000	<p>Records were not available from which to substantiate the reported performance</p> <p>The objective is not subject to measurement. There is no measurable performance target. No performance indicator was provided. The data presented on the performance report does not show whether progress occurred.</p>

2008 GOALS	COMMENTS
To provide services on-line so that 50% of license renewals are processed via web by 2010. FROM OPERATIONS PLAN	Goal appears appropriate. NOT SAME GOAL AS SHOWN ON PERFORMANCE REPORT
To increase the number of licensees performing geologic work in the State. FROM PERFORMANCE REPORT	Goal has no long-term level of performance to be reached at some future end point. NOT SAME GOAL AS SHOWN ON OPERATIONS PLAN

2008 OBJECTIVES	PERFORMANCE INDICATOR	REPORTED PERFORMANCE	COMMENTS
(O1-Efficiency) To increase the number of renewal applications processed on-line by 10%. FROM OPERATIONS PLAN	Percentage of on-line renewals	N/A	Objective appears appropriate in form, but is not consistent with the goal. If the objective target remains the same from year to year and is met exactly each year, online renewals will not reach the 50% target stated in the goal by the target date. NOT SAME OBJECTIVE AS SHOWN ON PERFORMANCE REPORT (see below)
O1-Efficiency) To continue to contact expired licensees to renew their licenses and work with associations and affiliate organizations to encourage licensure in the geologic profession. FROM PERFORMANCE REPORT	None	None	Actually two objectives; contact expired licenses and work with associations, etc. “Work with” is not measurable. No stated target level of performance. No performance indicator. No reported performance. NOT SAME OBJECTIVE AS SHOWN ON OPERATIONS PLAN (see above)

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

There are no other entities regulating the activities of the licensed professional geologists in the Alabama, however, the statutes do allow the following exemptions for persons practicing geology.

The *Code of Alabama 1975*, § 34-41-7 states, "(a) Except as provided in this section, any person who publicly practices, or offers or attempts to publicly practice, geology in the State of Alabama is subject to this chapter.

(b) The following persons are exempt from licensing under this chapter:

- (1) Persons engaged solely in teaching of geology or related physical or natural sciences, and persons engaged solely in geologic research conducted through academic institutions, agencies, or government and nonprofit research organizations.
- (2) Officers and employees of the United States of America and the State of Alabama practicing solely as officers and employees.
- (3) Officers and employees of businesses and industries practicing solely as officers and employees, and individuals if they do not offer their professional services to the public for hire and are not engaged in activities that require the signature of a licensed professional geologist.
- (4) Officers and employees of companies and corporations practicing solely as such officers and employees who work as a sole proprietorship in mining and mineral exploration and development and who do not offer their professional services to the public for hire or who are not engaged in activities that require the signature of a licensed professional geologist.
- (5) Officers and employees of companies and corporations and individuals who work as a sole proprietorship in oil and/or gas exploration and development.
- (6) A person who is subordinate to a licensed professional geologist or who is a geologist-in-training licensed under this chapter but only insofar as he or she acts solely in that capacity. This exemption does not permit the subordinate to practice geology or use the term "licensed professional geologist."

Additionally, the *Code of Alabama 1975*, § 34-41-8 (b) (1) states, "The practice of any profession or trade for which a license is required under any other law of this state, including, but not limited to, the practice of **registered professional engineers** from lawfully practicing soil mechanics, foundations engineering, and other professional engineering, **licensed architects** or **landscape architects** from lawfully practicing architecture or landscape architecture, **licensed land surveyors** from lawfully practicing surveying, or the practice of soil science by certified professionals."

Professional Engineers and Land Surveyors are regulated under the *Code of Alabama 1975*, § 34-32; Architects are regulated under the *Code of Alabama 1975*, § 34-2-XX; Landscape Architects are regulated under the *Code of Alabama 1975*, § 34-17-XX; and the Practice of Soil Science is regulated under the *Code of Alabama 1975*, § 34-32-XX.

FINANCIAL INFORMATION

The board operates through Fund 912 in the State Treasury. Fund 912 was established by the *Code of Alabama 1975*, Section 34-41-6 as the Alabama Board of Licensure for Professional Geologists Fund. The board's operating funds are generated through the administration of the professional geologists licensing law.

Schedule of Fees

	Amounts			
Fee Type	Rule	Website	Statute	Administrative Rule
Application Fee	\$150	\$150	34-41-9	364-X-4-.02
License Fee	\$150	\$150	34-41-12 (a)	364-X-4-.02
Geologist-In-Training Fee	\$75	\$75	34-41-5 (g)	364-X-4-.02
Stamps, Seals	\$50	\$50	34-41-14 (a)	364-X-4-.02
Renewals (1)	\$150	\$150	34-41-12 (b)	364-X-4-.02
Late Fee	\$100	\$100	34-41-12(b)	364-X-4-.02
Examination Fee (each part) (2)	\$150	\$150	34-41-11	364-X-4-.02
Temporary License (maximum 90 days/year)	\$200	\$200	34-41-5 (g) & 34-14-41(b)	364-X-4-.02
Comity Fee		\$150	34-41-5 (g) & 34-41-5 (h)	354-X-12-.01
Roster of Licensed Geologists		Cost of Reproduction	34-41-16	364-X-1-.15
Replacement of lost, destroyed, or mutilated license.		Cost to be determined	34-41-12(d)	364-X-10-.04

(1) Renewal does not occur until two years after first licensure.

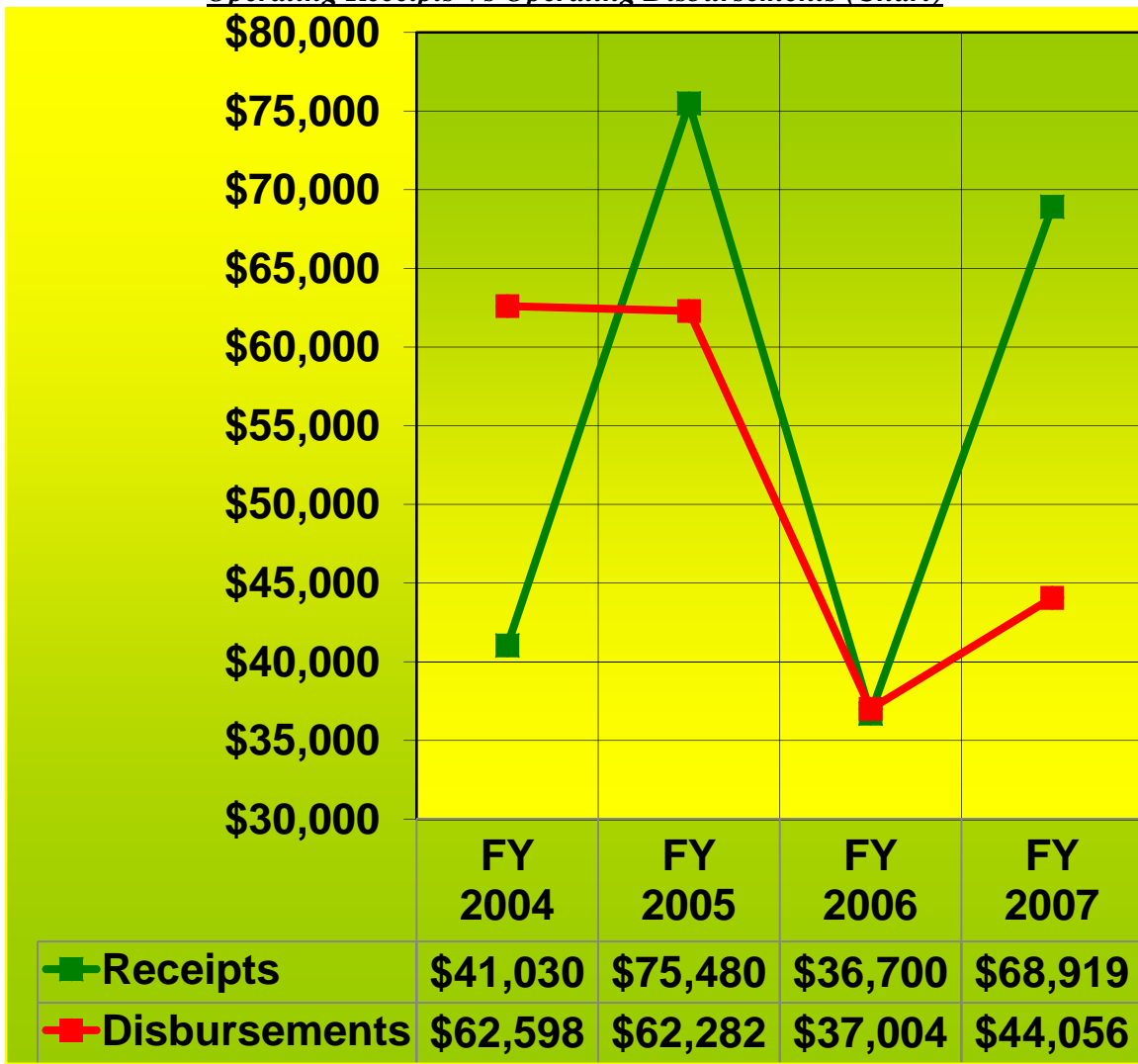
(2) Examination fee is set by National Association of State boards of Geology.

Schedule of Receipts, Disbursements, and Balances

For the period October 1, 2003 – September 30, 2007

	FY 2007	FY 2006	FY 2005	FY 2004
<u>Receipts</u>				
License and Permit Fees	\$68,169.37	\$36,700.00	\$75,480.00	\$41,030.00
Bad Check Recovered	750.00			
Total	<u>68,919.37</u>	<u>36,700.00</u>	<u>75,480.00</u>	<u>41,030.00</u>
<u>Disbursements</u>				
Personnel Costs	1,700.00	1,400.00	4,200.00	500.00
Employee Benefits	130.05	107.10	321.30	38.25
Travel In-State	2,573.57	1,634.26	2,929.11	1,421.55
Travel Out-of-State	1,001.09			1,072.10
Rentals & Leases	362.50	225.00	400.00	200.00
Utilities and Communications	1,602.82	1,298.51	1,934.53	822.05
Professional Services	25,236.75	26,650.57	47,147.50	52,189.95
Supplies, Materials and Operating Expenses	11,449.66	5,688.97	5,349.56	6,353.98
Total	<u>44,056.44</u>	<u>37,004.41</u>	<u>62,282.00</u>	<u>62,597.88</u>
 Excess (Deficiency) of Receipts Over Disbursements	 24,862.93	 (304.41)	 13,198.00	 (21,567.88)
 Cash Balance at Beginning of Year	 <u>29,586.49</u>	 <u>29,890.90</u>	 <u>16,692.90</u>	 <u>38,260.78</u>
 Cash Balance at End of Year	 54,449.42	 29,586.49	 29,890.90	 16,692.90
 Reserved for Unpaid Obligations	 <u>(2,637.50)</u>	 <u>(2,946.88)</u>	 <u>(5,300.00)</u>	 <u>(639.00)</u>
 Unobligated Cash Balance at the Year-End	 <u>\$51,811.92</u>	 <u>\$26,639.61</u>	 <u>\$24,590.90</u>	 <u>\$16,053.90</u>

Operating Receipts Vs Operating Disbursements (Chart)



QUESTIONNAIRES

Board Member Questionnaire

Questionnaires were mailed to the seven (7) board members, and the board's executive secretary. Five (5) responded.

1. What are the most significant issues currently facing the Board of Licensure for Professional Geologists and how is the board addressing these issues?

Respondent #1 - "Enforcement – Hire/Retain an investigator"

- "Law Amendment – No Action/Discussion (See below)"

- "Retention of Current Licensees"

Respondent #2 "The examination process as organized by ASBOG & the national board association for geology."

Respondent #3 "The number of Alabama Geologists has been a concern for the board. The board has watched these numbers carefully and reviews these numbers during each board meeting. The board recently performed an analysis that indicated while numbers have fallen steadily from 887 in 1999 to 564 in 2004, the numbers have stabilized and are expected to increase in the future."

Respondent #4 "For several years, the number of Licensees has decreased. Our board has studied this problem and concluded that the decrease was due to the large number of geologists from states other than Alabama. Once these geologists completed their AL work, they did not renew their license. We feel this trend is now about level and our in-state geologists should increase."

Respondent #5 "The most significant issue currently facing the board is maintaining the current licensee base to ensure its financial stability. The board has adapted to its current level of funding quite well. If a decrease occurs in the future, the board will be faced with some major decisions."

2. What changes to the Board of Licensure for Professional Geologists laws are needed?

Respondent #1. "Require that all Geologists in the Petroleum, Academic & Government sectors be Licensed...currently they are exempt, but it is the opinion of many licensed Geologists, that these unlicensed/exempt Geologists do impact the public's health, safety & welfare in their work & should therefore be required to obtain a license."

Respondent #2 "Unsure"

Respondent #3 "None are necessary at this time."

Respondent #4 "I do not feel that any changes are currently necessary."

Respondent #5 "There are some exemptions from the law that should be addressed in the future. If these exemptions were removed, the number of licensees would increase plus giving the board the authority to act of certain complaints."

3. Is the Board of Licensure for Professional Geologists adequately funded?

5 Yes 0 No 0 Unknown 0 No Opinion

Respondent #1. “ If membership/license renewals remain @ the 575 level & above”

Respondent #5 “for the time being”

4. Is the Board of Licensure for Professional Geologists adequately staffed?

4 Yes 0 No 0 Unknown 0 No Opinion

Respondent #3 did not respond to this question.

5. What is the purpose of the Board’s fiscal year end balance of unobligated funds?

Respondent #1. “Small reserve maintained for operations & expenses...breakeven board.”

Respondent #2 “Carryover for next year. Unexpected expenses.”

Respondent #3 “This board typically carries a year-end balance of \$20,000 to \$30,000 in funds. The amount varies as our income varies from license renewals. We typically have a “fat” year followed by a “lean” year because a larger number of licensees renew in the “fat” year.”

Respondent #4 Biannually, our licensees pay a fee to renew their license. About 70% of our licensees were licensed when the licensure act was passed. This causes the board’s cash flow to be unbalanced. We need the excess cash from the years when the 70% renew to get us through the years when the 30% renew.”

Respondent #5 “The balance of unobligated funds is carried forward into the next fiscal year. These funds are necessary due to the difference of renewals from one small year to one large year.”

Licensee Questionnaire

Questionnaires were mailed to 100 licensees, 73 responded.

1. Do you think regulation of your profession by the Board of Licensure for Professional Geologists is necessary to protect public welfare?

63 Yes 8 No 2 Unknown 0 No Opinion

Respondent #2 “I am a Petroleum Geologist – Public welfare needs to be defined if public safety is the definition then H2S & freshwater become critical. Geologist usually recommend engineer field hands & service companies perform actual work.”

Respondent #17 “All geologist in Alabama or doing work in Alabama must be licensed to insure they have the minimum qualifications to do the work. This includes Petroleum Geologists, Geologist working for private industry.”

Respondent #62 “but primarily geotechnical engineering”

Respondent #68 “But not for each state individually. I am a GPG with the AIPG (American Institute of PG’s), National Registration accepted by all states should suffice.”

2. Do you think any of the Board of Licensure for Professional Geologists laws, rules, and policies are an unnecessary restriction on the practice of your profession?

7 Yes 64 No 0 Unknown 2 No Opinion

Respondent #2. “Whatever rules there are in force & effect give the uninformed person a common set of criteria for comparison of Geologic work like definitions of reserves etc.”

Respondent #41 “Continuing Education is worthless.”

Respondent #63 “Mandatory continuing education requirements”

3. Do you think any of the Board of Licensure for Professional Geologists requirements is irrelevant to the competent practice of your profession?

9 Yes 59 No 2 Unknown 3 No Opinion

Respondent #2. “A good ethical geologist who has the experience & knowledge to be certified will do the same caliber of work whether he is certified or not.”

Respondent #17 “Need to be strengthened to be all inclusive for all geologists – mining, petroleum, consulting, etc.”

Respondent #72 “mandatory continuing education (see 6)”

4. Are you adequately informed by the Board of Licensure for Professional Geologists of changes to and interpretations of board positions, policies, rules and laws?

54 Yes 11 No 4 Unknown 4 No Opinion

Respondent #2. “No – But it is probably my fault by not fully studying their output.”

5. Has the Board of Licensure for Professional Geologists performed your licensing and/or renewal in a timely manner?

71 Yes 1 No 1 No Opinion

Respondent #2 “Always have had excellent help when I requested it.”

Respondent #53 “More so than other states”

6. Do you consider mandatory continuing education necessary for competent practice?

42 Yes 29 No 0 Unknown 2 No Opinion

Respondent #2 “Present continuing education normally or a lot of time considers new – bells & whistles (computers) outside for profit companies charge extremely high fees for Geology 101 with big words. This in my opinion keeps geologist for being licensed. Please see attachment.” Attachment from respondent #2 states, “A though on continuing education is that possible the various states could get together & they could all offer CE courses at reasonable cost. With the various state teachers rotate from state on some system. Would need a lot of planning. The funds change could cover most of the cost. Thank you for your attention. Keep up the good work.”

Respondent #6 “It depends on the specific matters ...reference to licensure.”

Respondent #7 “This obviously varies for different areas of practice.”

Respondent #17 “I understand certain limitations for certain people but you must keep abreast of latest and most recent interpretations and techniques relevant to your specialty. Lawyers, doctors, engineers must do CEU so should Geologists.”

Respondent #44 “Limited basis only, particularly if not practicing working in the field is more important,”

Respondent #57 “At this point in my career, it is extremely difficult to find short courses, etc. that qualify for CEU. Most courses were taken in the late 80’s early 90’s.”

Respondent #72 “I do not oppose mandatory continuing education. However, the

rules the board has adopted (such as limiting maximum hours per category) makes it difficult, time consuming and expensive for an independent consultant to meet requirements.”

7. Has the Board of Licensure for Professional Geologists approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

41 Yes

16 No

12 Unknown

4 No Opinion

Respondent #2 “Big question. How does a state agency refer required for profit services to its membership.

Respondent #6 “perhaps too many irrelevant activities.”

Respondent #17 “These are currently sufficient venues for most geologist but more should be available.”

Respondent #22 “I misread question – yes board has approved providers adequately.”

Respondent #61 “Might could be improved.”

Respondent #62 “Please add: -Air & Waste Management Association – Pittsburgh Geological Association –ITRC –National Ground Water Association – Pennsylvania Association of Petroleum Geologists – Annual Field Conference of Pennsylvania Geologists.”

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Licensure for Professional Geologists doing to address the issue(s)?

Respondent #1 “no opinion”

Respondent #2 “Cost of good & services (logs & maps).”

Respondent #3 No response

Respondent #4 No response

Respondent #5 No response

Respondent #6 “clearly water-related issues are the most important.”

Respondent #7 No response

Respondent #8 “adequate training in Environmental & hydrogeology & academic.”

Respondent #9 No response

Respondent #10 “Practicing the profession without proper licensure. Enforcement by the (illegible) is necessary.”

Respondent #11 No response

Respondent #12 “Bring at least as stringent as other states regulating the practice of geology.”

Respondent #13 No response

Respondent #14 “No opinion”

Respondent #15 “Other professions encroaching into the practice of geology.

board needs to clearly define the responsibility of P.G.'s to demonstrate the difference (e.g. from P.E., land surveying, soil scientist, etc...)." **Respondent #16**

"Mandatory continuing education needed to renewal. It should be abolished and the P.G. license operated similar to GA & FL."

Respondent #17 "Geologist (or people purporting to be geologist) offer professional services without professional training in geology; Geologist refusing to be licensed because of minor technical reasons; board no adequately pursuing irregularities."

Respondent #18 "Preventing incompetent persons, and/or those from other professions from practicing geology. The existing rules, regulations, and board oversight are adequately policing our profession. NEVER ABOLISH THE GEOLOGIST LICENSING REQUIREMENT OR THE BOARD!"

Respondent #19 "The lack of reciprocity with other states. For example, we extend reciprocity to California and have a number of California residents who have been granted reciprocity but Cal. Does not extend reciprocity to non-residents. Also many states require the ASBOG exam and do not extend reciprocity if you have not taken the exam. The board is doing nothing to address this."

Respondent #20 "N/A"

Respondent #21 "Lack of continuing education, sometimes not allowing certain types of mandatory education (i.e. regulatory updates, etc.)"

Respondent #22 "The rule is not enforced. ADEM accepts geologic reports without P.G. stamp everyday. ADEM will not act & board refused to act."

Respondent #23 No Response

Respondent #24 No Response

Respondent #25 No Response

Respondent #26 "No Opinion."

Respondent #27 No Response

Respondent #28 "No Comment."

Respondent #29 No Response

Respondent #30 "No concerns at this time."

Respondent #31 "No Opinion."

Respondent #32 "Professional engineers will never allow the licensing of professional geologists to be relevant in Alabama."

Respondent #33 No Response.

Respondent #34 No Response

Respondent #35 "Continuing education & trying to keep up with work. Also, the high cost of courses & the time required to take them."

Respondent #36 "Clarity on what documents (enu investigations) require a PG. How is it enforced by the board? (other than written complaint)."

Respondent #37 "Students graduating with degrees in Geology should be well trained as entry-level geologists. The board working closely with schools in having students take the GIT test as part of the programs will help."

Respondent #38 No Response

Respondent #39 No Response

Respondent #40 No Response

Respondent #41 No Response

Respondent #42 “Public practice of geology without a license. board continues to be vigilant and warn/censure/prohibit such actions.”

Respondent #43 No Response

Respondent #44 No Response

Respondent #45 “Changes in regulatory (environmental) guidelines from ADEM.”

Respondent #46 “No Comment.”

Respondent #47 “Legislation Requirement.”

Respondent #48 “There are no significant issues.”

Respondent #49 “None at this time.”

Respondent #50 No Response

Respondent #51 No Response

Respondent #52 “Currently no practicing in Alabama”

Respondent #53 “Coordination of the practice of Geology with other states (eg., reciprocity, continuing education, etc.). The ABLPG participates in ASBOG to address this issue.”

Respondent #54 No Response

Respondent #55 “I am sure I am like many others who prescribe to non-bureaucratic working conditions, with few regulations; however I know that in a highly competitive work segment this is not possible. I do consider my Profession, a Professional Group. That said, I consider one ongoing critical issue facing Professional Geologists is the possible overrun of other Professions into the management of this Profession. Geologists have created this overrun by their own doing, by doing what I mentioned in my opening statement, being too independent and unitarian. We need solidarity, and this Act stating Public Professionalism is a huge assistance to the Organization of Working Geologists.”

Respondent #56 “No opinion.”

Respondent #57 “none”

Respondent #58 “1) Encroachment by Engineers upon issues & decisions that are/should be made by Geologists; a P.E. with a couple of semesters of geology in his belt is NOT a “Geological Engineer.” 2) CEU’s are hard to spread across more than one or two categories. (Where you work & what you do often pigeon – holes you/or your experience(s) into 1 or 2 categories. Example = an academic vs a consultant or vs a quarry geologist end.”

Respondent #59 “Registration of practicing Geologists. The board provides means of registration in the State; however, ALL practicing Geologists should be registered, NO exceptions.”

Respondent #60 No Response

Respondent #61 No Response

Respondent #62 “No opinion”

Respondent #63 No Response

Respondent #64 “Enforcement and disciplinary action related to board rules and public practice.”

Respondent #65 No Response

Respondent #66 “ADEM does not allow me to participate in the Alabama Tank

Trust Fund – other states (GA & TN) allow PG's to participate without approval on the "approved" list. It is difficult to get some work as a self-employed PG – especially when your clients cannot retain you for Trust Fund work."

Respondent #67 No Response

Respondent #68 "No comment. I mostly work in Georgia"

Respondent #69 No Response

Respondent #70 "ETHICS – ABSOLUTELY NOTHING"

Respondent #71 "No opinion"

Respondent #72 "Continuing Education Policy (see 6)."

Respondent #73 "Adequate experience/training prior to certification."

9. Do you think the Board of Licensure for Professional Geologists and its staff are satisfactorily performing their duties?

55 Yes

4 No

11 Unknown

3 No Opinion

Respondent #22 "No active check of public records for required P.G. involvement."

Respondent #59 "Do not provide newsletters with updated information in a timely fashion."

10. Has any member of the Board of Licensure for Professional Geologists or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

2 Yes

71 No

0 Unknown

0 No Opinion

Respondent #2 "On the contrary their attitude is what can they do for me."

Respondent # 36 had a comment on the bottom of his questionnaire. It stated, "Dr. King was to attend the Annual State boards of Geology conference in Denver. Update on issues other states are working on to strengthen their PG's should be reported in newsletters."

Complainant Questionnaire

A questionnaire was mailed out to 1 complainant. 1 Responded.

1. Was your complaint filed with the Board of Licensure for Professional Geologists by:

1 Mail 0 Phone 0 Fax 0 Other 0 Unknown

2. Was receipt of your complaint promptly acknowledged?

1 Yes 0 No 0 Unknown

If yes, approximately how long after you filed your complaint were you contacted by the Board of Licensure for Professional Geologists?

0 Immediately 0 Within 10 days 0 Within 20 days

1 Within 30 days 0 More than 30 days 0 Did not respond

0 Unknown

3. Was the employee who responded to your complaint knowledgeable and courteous?

0 Knowledgeable 1 Courteous 0 Neither 0 Unknown

4. Did the Board of Licensure for Professional Geologists communicate the results of the investigation of your complaint to you?

1 Yes 0 No 0 Unknown

5. Do you think the Board of Licensure for Professional Geologists did everything it could to resolve your complaint?

0 Yes 1 No 0 Unknown

6. Were you satisfied with your dealings with the Board of Licensure for Professional Geologists?

0 Yes 1 No 0 Unknown

APPENDICES

SMART Performance Reports
QUARTERLY PERFORMANCE REPORT
Fiscal Year 2007

**Agency 364 Geologists, Alabama Board of Licensure for Professional
Program 051 MINERAL/ENERGY/WATER RESOURCES**

Performance Measures		1 st Qtr		2 nd Qtr		3 rd Qtr		4 th Qtr		Annual	
Spending	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
SP1: To maintain current level of spending.	0	49,500	0	8,500	8,176	8,500	0	8,500	12,279	75,000	43,039
Staffing	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
ST1: NA	0	49,500	0	8,500	8,176	8,500	0	8,500	12,279	75,000	43,039
Efficiency	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
EF1: Maintain unit cost of licensing and file maintenance	0	49,500	0	8,500	8,176	8,500	0	8,500	12,279	75,000	43,039
Quality	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
QU1: To conduct business as professional and ethical as possible.	0	49,500	0	8,500	8,176	8,500	0	8,500	12,279	75,000	43,039

How have policy decisions and budget determinations made by the governor and the legislature in the fiscal year 2006-2007 affected your agency in meeting its desired accomplishments and services: **No answer available**

What administrative improvements did your agency make in fiscal year 2006-07 and what potential improvements do you foresee for future years? Include suggested changes in legislation or administrative procedures which would aid your agency in these improvements. **No answer available.**

FY 08 Quarterly Performance Report

Friday, February 22, 2008

Agency:	364 - Geologists, Alabama Board of Licensure for Professional	Program:	051 - MINERAL/ENERGY/WATER RESOURCES								
Organization:	-	Activity:	-								
Mission:	To protect life, health, safety, public welfare and the environment through the regulation of the practice of geology in the State of Alabama.										
Workload Measures and Quarterly Projections											
	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
Workload Measure	Projecte d	Actual	Projecte d	Actual *	Projecte d	Actual *	Projecte d	Actual *	Projected	Actual *	
W1: To maintain and service the licensees efficiently and assist new applicants with examination and licensure process efficiently.		0		0		0		0		0	
* Actual workload data is not currently available for this quarter.											
Agency: 364 - Geologists, Alabama Board of Licensure for Profe				Program: 051 - MINERAL/ENERGY/WATER RESOURCES							
Organization: -				Activity: -							
Key Goal:											
Goal 1	To increase the number of licensees performing geologic work in the State.							Governor's Priority:	1		
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual *	Target	Actual *	Target	Actual *	Target	Actual *
(O1-Efficiency) To continue to contact expired licensees to renew their licenses and work with associations and affiliate organizations to encourage licensure in the geologic profession.	N/A		0		0		0		0		0
* Actual performance data is not currently available for this quarter.											

Statutes

CHAPTER 41
GEOLOGISTS.

§ 34-41-1. Short title

This chapter shall be known and may be cited as the "Alabama Professional Geologists Licensing Act."

(Acts 1995, No. 95-399, p. 820, § 1.)

§ 34-41-2. Purposes of chapter

(a) The Alabama Professional Geologists Licensing Act is enacted for the following purposes:

- (1) To protect life, property, health, safety, public welfare, and the environment through the regulation of the practice of geology in the State of Alabama.
- (2) To define the practice of geology as a profession and to establish minimum professional standards for ethical conduct, professional responsibility, education, and experience.
- (3) To prevent abuses of the practice of geology by untrained or unprincipled persons.

(b) The intent of this chapter is to ensure that only those persons who are registered and licensed pursuant to this chapter, unless they are exempted from licensing, shall publicly practice, offer, or attempt to publicly practice geology or any specialty thereof, claim any specialty in geology as a professional, business, or commercial identification, title, name, representation, or claim, or otherwise hold themselves out to the public as being qualified to practice geology or any of its specialties. Only those persons licensed pursuant to this chapter may use the term "licensed professional geologist."

(Acts 1995, No. 95-399, p. 820, § 2.)

§ 34-41-3. Definitions

When used in this chapter, the following words have the following meanings:

- (1) board. The Alabama Board of Licensure for Professional Geologists.
- (2) Geologist. A person who holds a degree in the geological sciences from an accredited college or university.
- (3) Geologist-in-training. A person who holds a degree in the geological sciences from an accredited college or university and who has successfully passed the part of the professional examination covering fundamental or academic geological subjects.
- (4) Geology. The science dealing with the earth and its history; its constituent rocks, minerals, liquids, gases, and other materials of which it is composed, and the study of the

processes responsible for the development and change in the component parts of the earth, for the benefit of mankind.

(5) Good moral character. Character that tends to ensure the faithful discharge of the professional duties of the licensed professional geologist based on truth and adherence to ethical principles.

(6) License. A certificate issued by the board recognizing the individual named in this certificate as meeting the requirements for licensing under this chapter.

(7) Licensed professional geologist. A person who holds a license as a professional geologist under this chapter.

(8) Public practice of geology. The performance of geological service or work, including, but not limited to, consultation, geological investigation, surveys, evaluations, planning, mapping, or review of geological work related to the public practice of geology, or both, in which the performance is related to the public welfare or safeguarding of life, health, property, and the environment except as otherwise specifically provided by this chapter. A person publicly practices or offers to publicly practice geology if the person does any of the following:

- a. Offers to or provides geological work or services to the public in any branch of the profession of geology.
- b. Represents himself or herself to be a licensed professional geologist by verbal claim, sign, advertisement, letterhead, card, or in another way.
- c. Implies that he or she is a licensed professional geologist or that he or she is registered under this chapter through the use of some other title.
- d. Holds himself or herself out as one who performs or is able to perform any geological services or work recognized by the board as the public practice of geology.

This definition shall not be construed to regulate or interfere with the legitimate practice of any licensed professional, other than geologists.

(9) Responsible charge of work. The independent control and direction by the use of initiative, skill, and independent judgment of geological work or the supervision of such work.

(10) Specialty. A branch of geology which is recognized as a subdiscipline for purposes of certification after registration as a licensed professional geologist.

(11) Subordinate. A person who assists a licensed professional geologist in the public practice of geology without assuming the responsible charge of work and who is under the direction and supervision of a licensed professional geologist.

(12) Unprofessional conduct. The practice of geology by a licensed professional geologist who willfully performs any act, causes omissions, or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the profession of geology.

(Acts 1995, No. 95-399, p. 820, § 3.)

§ 34-41-4. board created; membership generally

(a) There is created the Alabama Board of Licensure for Professional Geologists which shall administer and enforce this chapter.

(b) The board shall consist of seven members appointed by the Governor from a list of nominees submitted by the board, or any entity designated by the board. Members of the board, except for the initial board, shall be licensed professional geologists. Whenever possible the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(c) Each member of the board shall be a citizen of the United States, a resident of the State of Alabama for at least five years immediately preceding appointment, reside in the state during the term of office, and be at least 25 years of age.

(d) All members of the initial board shall be appointed by the Governor from a list of nominees who shall at the time of their appointment qualify for licensing under this chapter and become duly licensed during their term. Membership of the board shall include at least one representative member from each of the following professional subgroups of geologists: Faculty of the departments of geology at colleges and universities in the State of Alabama that grant degrees in the geological sciences; governmental agencies employing geologists; businesses, exclusive of those exempted herein; mining industry; petroleum industry; geotechnical and/or environmental engineering firms; and independent geological consultants.

(e) After the establishment of the initial board, all members of the board shall be licensed under this chapter. The term of office of each member of the board shall be three years. Notwithstanding the foregoing, of the first members appointed, two shall be appointed for a term of one year, two for terms of two years, and three for terms of three years. No member shall serve more than two consecutive three-year terms, without interruption in service of at least three years.

(f) Each term on the board shall expire on September 30 of the year in which the term expires. When the term of a member expires, the Governor shall appoint a new member or reappoint the current member for a full term under subsections (d) and (e). If a vacancy occurs, within 90 days of the vacancy the Governor shall appoint a replacement to fill the vacancy for the remainder of the unexpired term. Except for the members of the initial board, all appointments and reappointments to the board shall be made by the Governor from a list of nominees submitted by the board, or any entity designated by the board. In appointing members to the board, the Governor shall strive to achieve diversity in race, gender, geography, residence, and economic condition.

(g) The Governor may remove a member of the board only for neglect of duty, an unexcused failure to attend more than one of the regularly scheduled meetings held in a calendar year during the term in office of the member, malfeasance, violation of this chapter, or conviction of a felony or other crime of moral turpitude.

(h) Members of the board shall receive reimbursement for expenses incurred in the performance of duties of one hundred dollars (\$100) per day plus mileage payable at the same rate as paid for state officers and employees for each day of actual attendance at a regular or special meeting of the board.

(i) The board may employ the necessary personnel for performance of its functions and fix their compensation. The board may appoint committees to aid in the performance of its functions.

(Acts 1995, No. 95-399, p. 820, § 4; Acts 1997, No. 97-156, p. 206, § 3; Act 2001-251, p. 302, § 3.)

§ 34-41-5. Powers of board

- (a) The board shall elect from its membership a chair, a vice chair, and a secretary-treasurer. The board shall adopt rules to govern its proceedings. A majority of the appointed membership of the board shall constitute a quorum for all meetings.
- (b) The board shall, by regulation, adopt an administrative code and a code of professional conduct, which shall be published by the board and distributed to every applicant for licensing and to every licensee under this chapter. The publication shall constitute due notice to all applicants and licensees. The board shall solicit comments from the profession at large concerning these codes and may revise and amend the codes.
- (c) The board shall have the authority to prepare, administer, and grade oral or written examinations, or both, as required or permitted by this chapter to test an applicant's academic preparation and ability to apply such training to the public practice of geology. The board may take any actions necessary to prepare, administer, and grade the examinations, to determine whether the qualifications of an applicant for licensing meet the minimum standards set forth in this chapter, and to issue a license to each successful applicant. The board shall have the authority to adopt or recognize, in part or in whole, examinations prepared, administered, or graded by other organizations, on a regional or national basis, which the board determines are appropriate to measure the qualifications of an applicant for licensing as a professional geologist or in any specialty of geology. The examination questions, correct answers, and any individual applicant's completed examination shall be available to the board. The board shall retain the authority to determine a passing grade for purposes of registration as a professional geologist in this state.
- (d) The board shall consider all applications for licensing as a professional geologist or certification in any specialty thereof recognized by the board pursuant to this chapter and issue licenses as provided in this chapter. The board shall adopt a seal which shall be affixed to all licenses issued by the board.
- (e) The board may authorize necessary expenditures to implement this chapter from the fees which it collects. The expenditures shall not exceed the revenues of the board during any fiscal year.
- (f) The board shall meet within 30 days after a quorum of its first members is appointed, and thereafter shall hold at least three regular meetings each year. The board may provide for additional special meetings including hearings, extra working days for applications review, and examination proctoring. Minutes of each meeting of the board, recording the members present and the business taken, shall be signed and kept by the secretary-treasurer or an assistant secretary appointed by the board.
- (g) The board shall establish and receive reasonable and necessary fees to be charged the applicants and registrants to support the administration and enforcement of this chapter. The secretary-treasurer shall prepare, certify, and file an annual report of all the receipts, expenditures, and fund balances with the state Comptroller.
- (h) The board shall approve licensing through comity for any individual already licensed as a professional geologist or the equivalent in any other state, territory, or possession of the United States, or the District of Columbia, if the license is current and, in the opinion of the board, the license was issued in compliance with licensing requirements that are substantially the same as, or more stringent than, those established pursuant to this

chapter. The board may require additional proof of experience, if desired.

(i) The board shall renew and reissue certificates as provided in this chapter. As a condition of reissuance or renewal, the board shall have the authority to require, in general or in individual cases, evidence of continued competence in the practice of geology through means such as, but not limited to, the review of qualifications, experiences, and requirements for continuing professional education.

(j) Each present and former member of the board, its agents, employees, and members of committees appointed by the board to assist the board in carrying out its duties and responsibilities, shall be exempt from civil liability for any act or omission occurring while acting in an official capacity. The Attorney General or his or her appointed designee shall, without assessing charges to the board for legal services, defend the board and each present and former member of the board, its agents, employees, and members of committees appointed by the board in any action arising from any act or omission. The Attorney General or his or her appointed designee shall act as legal advisor to the board.

(k) The board may investigate all reasonably documented complaints of violations of this chapter and of unprofessional conduct by licensed and nonlicensed geologists. The board shall have the authority to refuse issuance or renewal of a license or to suspend or revoke a license. The board may impose sanctions including restrictions on the practice of any registrant or of a person, firm, or corporation practicing under the limitations of this chapter, for violations of this chapter or the rules and regulations promulgated hereunder.

(l) The board shall have the power to administer oaths and affirmations and to issue subpoenas to compel the attendance of witnesses and the production of evidence, and shall have the authority to issue cease and desist orders and to seek injunctions against violations of this chapter or the rules and regulations promulgated hereunder, as provided herein.

(m) The board shall, within one year of its appointment, establish between it and the Alabama State Board of Professional Engineers and Land Surveyors, a memorandum of understanding, containing guidelines for resolving jurisdictional concerns that may arise between registered engineers and registered geologists.

(n) The board shall have all other powers and authority consistent with this section, not enumerated herein, as are necessary for the administration and enforcement of this chapter.

(Acts 1995, No. 95-399, p. 820, § 5.)

§ 34-41-6. Establishment of revenue trust fund

There is established a separate revenue trust fund in the State Treasury to be known as the "Alabama Board of Licensure for Professional Geologists Fund." All receipts and disciplinary fines collected by the board under this chapter shall be deposited in this fund and used only to implement this chapter. Monies shall be disbursed by warrant of the state Comptroller upon the State Treasury, upon itemized vouchers approved by the chair of the board or an authorized designee. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations bill or other appropriation bills.

(Acts 1995, No. 95-399, p. 820, § 6.)

§ 34-41-7. Applicability; exemptions

(a) Except as provided in this section, any person who publicly practices, or offers or attempts to publicly practice, geology in the State of Alabama is subject to this chapter.

(b) The following persons are exempt from licensing under this chapter:

(1) Persons engaged solely in teaching of geology or related physical or natural sciences, and persons engaged solely in geologic research conducted through academic institutions, agencies, or government and nonprofit research organizations.

(2) Officers and employees of the United States of America and the State of Alabama practicing solely as officers and employees.

(3) Officers and employees of businesses and industries practicing solely as officers and employees, and individuals if they do not offer their professional services to the public for hire and are not engaged in activities that require the signature of a licensed professional geologist.

(4) Officers and employees of companies and corporations practicing solely as such officers and employees who work as a sole proprietorship in mining and mineral exploration and development and who do not offer their professional services to the public for hire or who are not engaged in activities that require the signature of a licensed professional geologist.

(5) Officers and employees of companies and corporations and individuals who work as a sole proprietorship in oil and/or gas exploration and development.

(6) A person who is subordinate to a licensed professional geologist or who is a geologist-in-training licensed under this chapter but only insofar as he or she acts solely in that capacity. This exemption does not permit the subordinate to practice geology or use the term "licensed professional geologist."

(Acts 1995, No. 95-399, p. 820, § 7.)

§ 34-41-8. Acts not prohibited

(a) This chapter does not prohibit one or more geologists from practicing through the business organizations of a sole proprietorship, partnership, corporation, or professional association. In a partnership, corporation, or professional association, in which the primary activity consists of geological services affecting the public welfare and which require licensing pursuant to this chapter, at least one partner or officer shall be a licensed geologist.

(b) This chapter shall not be construed to prevent or to affect:

(1) The practice of any profession or trade for which a license is required under any other law of this state, including, but not limited to, the practice of registered professional engineers from lawfully practicing soil mechanics, foundations engineering, and other professional engineering, licensed architects or landscape architects from lawfully practicing architecture or landscape architecture, licensed land surveyors from lawfully practicing surveying, or the practice of soil science by certified professionals.

(2) The public practice of geology by a person who is not a resident of this state and who has no established place of business in this state, when that practice does

not exceed in the aggregate more than 90 days in any calendar year, provided the person is duly licensed to practice the profession in another state where the requirements for a license are not less than those specified in this chapter for obtaining the license required for the work. Within 10 days of entering this state for commencing of the work, a nonresident claiming an exemption under this subdivision shall file a statement with the board which includes his or her name, residence, and license number, and by what authority the license was issued. Upon the completion of the work, the person shall file a statement of the time engaged in the work within the state.
(Acts 1995, No. 95-399, p. 820, § 8.)

§ 34-41-9. Application

An application for licensing as a professional geologist or a geologist-in-training shall be made under oath and shall show: (1) the education of the applicant; (2) a detailed summary of his or her actual geological work experience; (3) a signed statement that the applicant has read and shall adhere to the code of professional conduct adopted by the board; and (4) not less than five references, three or more of whom shall be geologists having personal knowledge of the geologic experience of the applicant. The board shall determine a reasonable application fee which shall accompany each application.
(Acts 1995, No. 95-399, p. 820, § 9.)

34-41-10. Minimum requirements to be eligible for license

- (a) An applicant is eligible for a license as a professional geologist in the State of Alabama if the applicant meets the following minimum requirements:
- (1) Is of good moral character.
 - (2) Has graduated from an accredited college or university with a degree in geology, engineering geology, or one of the related geological sciences if the applicant has completed a minimum of 30 semester hours or their equivalent of course work in geological science. The appropriate college or university shall document educational experience by submitting a certified written reference or certified transcript directly to the board.
 - (3) Have at least five years of full-time professional geological work after receipt of a bachelor's degree, either as a geologist-in-training or in geologic work related to the public practice of geology which is satisfactory to the board. The following criteria of education and experience qualify toward accumulation of the required years of professional work:
 - a. The board, at its discretion, may give a maximum of one year's credit for each graduate degree in geology, engineering geology, or one of the related geological sciences.
 - b. The board may consider work in related fields as acceptable work experience.
 - c. In all cases, the board shall determine if the applicant has demonstrated his or her ability by having gained experience by performing work in a responsible position. The adequacy of the required supervision and

experience shall be documented to the board as described herein below.

d. Professional geologic research of applicants either teaching at the college or university level or in research agencies of state or federal government shall be credited and applied toward the professional requirements herein, provided the work or research in the geological sciences can be documented in writing and is demonstrated to be of a sufficiently responsible nature to be equivalent to the professional requirements as set forth above.

e. The professional geologic work experience of the applicant shall be documented in writing. Except as otherwise provided in this subdivision, work experience obtained before receipt of a bachelor's degree shall not be accepted as credit toward professional geologic work experience.

(4) Passes an examination which is designed to demonstrate that the applicant has the necessary knowledge and requisite skill to exercise the responsibilities of the public practice of geology.

(b) The board shall waive the requirements of subdivision (4) of subsection (a) if the applicant meets all other requirements of this chapter and makes written application to the board not later than one year after the initial board requests applications.

(Acts 1995, No. 95-399, p. 820, § 10.)

§ 34-41-11. Examinations

Annual examinations shall be formulated and conducted by the board at a time and place the board shall determine. The board shall by regulation establish the fee required for examination.

(Acts 1995, No. 95-399, p. 820, § 11.)

§ 34-41-12. Issuance of license

(a) Upon payment of a license fee the board shall issue a biennial license to any applicant who has satisfactorily met all the requirements of this chapter. Licenses shall show the full name of the licensee, give a serial number, and shall be signed by both the chair and secretary-treasurer of the board under the seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a licensed professional geologist while the license remains in full force and effect.

(b) Each license expires on a biennial basis or at another interval determined by the board unless the license is renewed. An application for renewal shall be filed with the board and shall be accompanied by the renewal fee prescribed by the board. A license which has expired for failure to renew may be restored only after application and payment of the prescribed restoration fee, provided the renewal applicant meets all other provisions established by the board.

(c) An applicant for renewal of a license shall have satisfactorily maintained continuing education requirements as specified by the board.

(d) A new license to replace any license lost, destroyed, or mutilated may be issued subject to the rules of the board and payment of a fee established by the board.

(Acts 1995, No. 95-399, p. 820, § 12.)

§ 34-41-13. Certification in specialty

If, in the opinion of the board, there is a need, in addition to licensing as a professional geologist, for more definitive recognition of geologic expertise, qualified persons may also be eligible for certification in a specialty. Specialties may be created by the board after notice to all Alabama licensed professional geologists of a hearing to explain the proposed specialty or specialties and after approval of the proposed specialty or specialties by a majority of all Alabama licensed professional geologists. Specialties shall be created by regulations which shall contain any required additional qualifications or limitations. Only licensed professional geologists shall be eligible for certification in a specialty. Applications may be submitted for both licensing and certification in a specialty at the same time, but the applicant shall be approved for licensing as a professional geologist before being considered for certification in a specialty. The certification in a specialty is dependent, in every case, upon the approval of licensing as a professional geologist.

(Acts 1995, No. 95-399, p. 820, § 13.)

§ 34-41-14. Seal

(a) Each geologist, upon the issuance of a license, shall obtain from the secretary-treasurer of the board or his or her designee, at a cost prescribed by the board, a seal of the design authorized by the board bearing the name of the licensee and the legend "Licensed Professional Geologist -- State of Alabama" together with the serial number of the licensee. A licensed professional geologist shall approve, sign, and affix his or her seal to all drawings, reports, or other geologic papers, or documents involving the public practice of geology which have been prepared by the licensed professional geologist or a subordinate employee under the direction of the licensed professional geologist for the use of, or for delivery to, any person or for public record within the State of Alabama.

(b) A qualified nonresident geologist practicing geology in the State of Alabama under temporary approval of the board shall sign and impress with his or her authorized licensed seal all drawings, reports or other geologic papers, or documents involving the public practice of geology which have been prepared by a licensed geologist or a subordinate employee under his or her direction for the use of, or for delivery to, any person or for public record within the State of Alabama.

(Acts 1995, No. 95-399, p. 820, § 14.)

§ 34-41-15. Register of applications

(a) The board shall keep a register of all applications for licensing. The register shall include:

- (1) The name, age, and address of each applicant.
- (2) The date of the application.
- (3) The place of business of the applicant.
- (4) The education of the applicant and other pertinent qualifications.

- (5) Whether an examination was required.
 - (6) Whether the applicant was licensed in another state.
 - (7) Whether the license was granted.
 - (8) The dates of the actions by the board.
 - (9) Any other information deemed necessary by the board.
- (b) All official records of the board or affidavits by the secretary-treasurer of the board as to the content of such records shall be prima facie evidence of all matters required to be kept therein.
- (c) The board shall treat as confidential and not subject to disclosure, except to the extent required by law or by rule or regulation of the board, individual test scores and applications and material relating thereto, including letters of reference relating to an application.
- (Acts 1995, No. 95-399, p. 820, § 15.)

§ 34-41-16. Roster

The secretary-treasurer of the board shall publish biennially a roster showing the names, license numbers, places of business, and business and residence addresses of all professional geologists licensed in Alabama. Copies of this roster shall be made available to the public upon request and payment of a reasonable fee.

(Acts 1995, No. 95-399, p. 820, § 16.)

§ 34-41-17. Written charges against licensed geologist

Any person may file written charges against any licensed professional geologist pursuant to rules and regulations adopted by the board. Charges or allegations shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the secretary-treasurer of the board. The board shall investigate all valid complaints.

(Acts 1995, No. 95-399, p. 820, § 17.)

§ 34-41-18. Illegal acts

- (a) It is unlawful for any person except a licensed professional geologist or a subordinate under his or her direction, as defined in Section 34-41-7(b)(6); a geologist explicitly exempt from licensing pursuant to Section 34-41-7; and those persons explicitly exempt under Section 34-41-8(b)(1) to prepare any geologic plans, reports, or documents which relate to the public welfare or safeguarding of life, health, property, or the environment.
- (b) It is unlawful for any person to publicly practice, offer or attempt to publicly practice geology, use in connection with his or her name or otherwise assume, or advertise any title or description tending to convey the impression that he or she is a licensed professional geologist, unless that person has been duly licensed.
- (c) One year after the initial board calls for applications, it shall be unlawful for anyone other than a professional geologist licensed under this chapter to stamp or seal any plans, plats, reports, or other documents with the seal or stamp of a licensed professional geologist, use in any manner the seal or stamp of a licensed professional geologist, or use in any manner the title "licensed professional geologist" unless that person is licensed

hereunder or temporarily approved for geologic work as specified under Section 34-41-14.

(d) It is unlawful for any person to affix his or her signature to or to stamp or seal any plans, plats, reports, or other documents as defined by the rules of the board after the license of the person named thereon has expired or has been suspended or revoked. (Acts 1995, No. 95-399, p. 820, § 18.)

§ 34-41-19. Denial, suspension, or revocation of license

The board may refuse to grant or renew, or may suspend or revoke the license of any person licensed under this chapter who:

- (1) Has violated this chapter or any rule or regulation of the board.
- (2) Has been convicted of a misdemeanor under this chapter.
- (3) Has been found guilty of gross unprofessional conduct, dishonest practice, incompetence, including but not limited to obtaining a license under this chapter through fraud or deceit, and aiding or abetting another person in obtaining a license by fraud or deceit.
- (4) Has been convicted of a criminal felony charge impinging on the moral and ethical character of the individual and the profession.
- (5) Has suffered revocation, suspension, or denial of a certificate or license to practice geology for any reason in another state.

(Acts 1995, No. 95-399, p. 820, § 19.)

§ 34-41-20. Procedures for disciplinary actions; aggrieved person may petition board for hearing; judicial review

- (a) The board shall develop procedures for investigation, prehearing, and hearing of disciplinary actions.
 - (b) Any person aggrieved by a decision of the board other than a decision in a disciplinary action may petition the board for a hearing.
 - (c) Judicial review of the final decision of the board is available in the manner prescribed by the Alabama Administrative Procedure Act.
- (Acts 1995, No. 95-399, p. 820, § 20.)

§ 34-41-21. Reissuance of license

The board may issue a license to any person whose license has been revoked, when the board finds upon written application by the applicant and a review of the facts that there is good cause to justify reissuance.

(Acts 1995, No. 95-399, p. 820, § 21.)

§ 34-41-22. Actions which are Class B misdemeanors

Any person who does any of the following is guilty of a Class B misdemeanor:

- (1) Willfully publicly practices, or offers or attempts to publicly practice, geology for other natural or corporate persons in Alabama without being licensed in

accordance with this chapter or hereby exempted.

(2) Presents or attempts to use as his or her own, the certificate of licensure or seal of another.

(3) Gives false or forged evidence of any kind in obtaining a license.

(4) Impersonates any other licensee.

(5) Attempts to use an expired or revoked license or practices at any time during which the board has suspended or revoked the license.

(6) Violates any provision of this chapter.

(Acts 1995, No. 95-399, p. 820, § 22.)

§ 34-41-23. Injunction

As an additional remedy, the board may proceed in a court of an appropriate jurisdiction to enjoin and restrain any person for violating this chapter. The board shall not be required to post bond in connection with obtaining provisional, preliminary, or permanent injunctive relief pursuant to law.

(Acts 1995, No. 95-399, p. 820, § 23.)

§ 34-41-24. Sunset Law

The Alabama Board of Licensure for Professional Geologists shall be subject to the provisions of the Alabama Sunset Law of 1981, and shall be classified as an enumerated agency pursuant to Section 41-20-3. The board shall dissolve on October 1, 1997, unless continued as therein provided and, if continued, the board shall be reviewed every four years thereafter.

(Acts 1995, No. 95-399, p. 820, § 25.)

Board Members

Alabama Board of Licensure for Professional Geologists



610 S. McDonough Street Montgomery, Alabama 36104
Telephone: (334) 269-9990 Fax: (334) 263-6115

February 11, 2008

Robin Hutcheson
Examiners of Public Accounts
Post Office Box 302251
Montgomery, AL 36130-2251

Dear Ms. Hutcheson:

Listed below are the Board members serving during the audit period.

Please do not hesitate to contact me regarding any additional questions.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of many loops and a long horizontal line extending to the right.

Keith E. Warren
Executive Secretary

BOARD MEMBERS

NAME	TERM EXPIRATION	DATE OF APPOINTMENT	POSITION
Dorothy Malaier 1232 Woodley Road Montgomery, AL 36106	9/30/09	5/12/04	Secretary/ Treasurer
Robert Benjamin Noble 102 West Glenwood Drive Homewood, AL 35209-3942	9/30/04	11/5/01	Chair
Dr. Mark G. Steltenpohl 1433 Varner Avenue Auburn, AL 36830-6325	9/30/04	11/5/01	
David Bowers, Jr. 1535 Clover Avenue Gardendale, AL 35071	9/30/04	1/6/03	
J. Mark Tanner 3516 Greensboro Avenue Tuscaloosa, AL 35401	9/30/08	1/3/03	Chair
Robert B. Carr, III 1901 Morgan Road, SE Bessemer, AL 35022	9/30/08	1/3/03	Vice-Chair
Thomas E. Bruner Post Office Box 2661 Tuscaloosa, AL 35403	9/30/07	5/5/05	
Dr. David T. King, Jr. Post Office Box 2049 Auburn, AL 36831	9/30/07	5/5/05	
Markel R. Wyatt 317 Springhill Woods Dr. E Mobile, AL 36608-0703	9/30/07	5/5/05	
Dr. Berry (Nick) Tew, Jr. 663 High Field Road Tuscaloosa, AL 35405	9/30/09	5/12/04	

Response to Significant Items

Alabama Board of Licensure for Professional Geologists



610 S. McDonough Street Montgomery, Alabama 36104
Telephone: (334) 269-9990 Fax: (334) 263-6115

May 20, 2008

John E. Norris
Director, Operational Division
Examiners of Public Accounts
Post Office 302251
Montgomery, AL 36130-2251

Dear Mr. Norris:

Please find below the responses to the Significant Items found in the audit that was recently conducted.

SIGNIFICANT ITEMS

1. Three of five board members responding to a questionnaire stated that the most significant issue facing the board is the low number of licensed geologists in Alabama. The board is currently maintaining a steady number of licensees and has made many changes to operate the board has efficiently as well as maintaining a low operational cost. The board continues to promote licensure through involvement with state associations, universities with geology programs as well as articles in the newsletter promoting licensure for the profession. The board will continue to strive to promote this licensure and well as encourage the current licensees to maintain their licenses.


2. The board did not promptly post notice of its upcoming meetings as required by the state's Open Meetings Act. The Board posted its meetings on its web site, www.algeobd.alabama.gov, and was under the impression that meetings were to be posted seven days prior to the meeting on the Secretary of State's web site. Once this matter was presented to the Executive Secretary, this was corrected and the meetings scheduled for the 2008 calendar year were posted on the Secretary of State's web site and will continue to post meetings as soon as they are scheduled.

3. The board has not set by administrative rule two fees required by statute. The Board has not established these fees due to the fact these fees are not collected. The Board will add these two fees through the rule making process at its next scheduled meeting August 7, 2008.

4. The State Ethics Commission could not locate a statement of economic interests for two board members, which is required by law to be filed annually. The Board Office receives notification annually regarding the due dates for ethics forms. The Board Office in return, notifies each member stressing the importance of these forms, the due date and the link to the Ethics Commission web site where the forms are available. The two members that did not submit their forms were contacted and were very embarrassed for not submitting these forms in a timely manner. They did submit the required forms as soon as they were notified.

5. Performance data provided by the board to the Department of Finance on the board's SMART performance report could not be substantiated. The Executive Secretary has met with members of the SMART staff and have created measurable goals and objectives along with reportable data that can be substantiated during the next examination.

Respectfully Submitted,



Keith E. Warren
Executive Secretary